

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL SEKLECKI,)
Plaintiff,)
v.) Case No. 1:22-cv-10155-PBS
CENTERS FOR DISEASE)
CONTROL & PREVENTION, et al.,)
Defendants.)

**AIRLINE DEFENDANTS' MOTION TO TRANSFER LITIGATION TO THE
MIDDLE DISTRICT OF FLORIDA UNDER FIRST-TO-FILE RULE**

Defendants American Airlines, Inc. and Southwest Airlines Co. (“Airline Defendants”), by and through undersigned counsel, respectfully move for an order transferring this litigation to the United States District Court for the Middle District of Florida where first-filed, nearly identical litigation is pending, between the federal government defendants and one of the two airline defendants (Southwest), and a pro se non-lawyer litigant who has been behind several federal court complaints – Lucas Wall (“Wall”) – including this one and prior similar cases involving Plaintiff Seklecki (“Plaintiff” or “Seklecki”). In June of 2021, Wall – who leads an online coalition of persons challenging the Federal Transportation Mask Mandate (“FTMM”) (he calls it “Americans Against Mask Mandates”) – filed two actions in the United States District Court for the Middle District of Florida: *Wall v. Centers for Disease Control, et al.*, Case No. 6:21-cv-00975-PGB-DCI (M.D. Fla.) (filed June 7, 2021) (“Case No. 975”); and *Wall v. Southwest Airlines Co., et al.*, Case No. 6:21-cv-01008-PGB-DCI (M.D. Fla.) (filed June 14, 2021) (“Case No. 1008”). Those two cases remain pending before United States District Judge Paul Byron. Preliminary decisions issued by Judge Byron in the Middle District of Florida cases adverse to Wall (and adverse to Seklecki’s claims here) appear to have motivated the instant case (and others) to be filed in an

effort to find a more receptive forum to re-litigate Wall's and his "coalition" members' challenges to the mask mandate.

This case represents transparent forum-shopping which fully supports application of the first-to-file rule. Because this case is one of several attempts by Lucas Wall to expand his Middle District of Florida litigation beyond that forum by filing suits on behalf of anti-mask coalition members the case should be transferred to the Middle District of Florida, a forum where it could have been filed originally.

For these reasons and those set forth more fully in the accompanying Memorandum of law, the Airline Defendants respectfully request that this case be transferred to the United States District Court for the Middle District of Florida.

Dated: February 7, 2022

Respectfully Submitted,
AMERICAN AIRLINES, INC. and
SOUTHWEST AIRLINES CO.,
By their Counsel,

/s/ Christopher A. Duggan
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Pro Hac Vice Application to be Filed

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I certify that, pursuant to Local Rule 7.1, that counsel for Airline Defendants' emailed Mr. Seklecki regarding their intent to file this motion in a good faith attempt to resolve or narrow the issues. Mr. Seklecki did not respond.

/s/ Christopher A. Duggan
Christopher A. Duggan (544150)

CERTIFICATE OF SERVICE

I hereby certify that, on this 7th day of February 2022, I electronically filed the foregoing Motion to Transfer through the CM/ECF system, which will send notification to the registered participants as identified on the Notice of Electronic Filing, and, on this day, I will cause a copy to be mailed to each of those indicated as non-registered participants and email a copy to Michael Seklecki, using the following email address from the Complaint: ktmlife22@icloud.com.

/s/ Christopher A. Duggan
Christopher A. Duggan (BBO No. 544150)